

HB 729 -- Scrap Metal

Sponsor: Rizzo

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property must keep a register containing a record for each purchase or trade that includes copper, brass, or bronze; aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; or material containing copper or aluminum that is knowingly used for farm purposes. This bill adds a catalytic converter to the property that requires a record to be kept.

The bill adds the gender; birth date; a photograph of the person selling the material, if it is not included or is different from the photo identification currently required; the license plate number of the vehicle used by the seller during the transaction; and, if the metal is copper or a catalytic converter, the purchase price and a photograph of the metal to the information that must be recorded.

Beginning January 1, 2014, the records must be transmitted into an automated database that may be interfaced by law enforcement agencies upon request.

The bill requires a scrap metal dealer paying out an amount of \$500 or more to make the payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and made payable to the person documented as the seller or by using a system for automated cash or electronic payment distribution that photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register. A scrap metal dealer that purchases scrap metal from a seller and pays in cash is required to photograph the seller, unless the seller has an existing business relationship with the dealer and is known to be an established business or political subdivision operating in a fixed location that can be reasonably expected to generate scrap metal and can be reasonably identified as a business.

Any person who knowingly and willfully violates these provisions will be guilty of a class B misdemeanor and subject to a fine of up to \$500 for a first offense, a class A misdemeanor and a fine of up to \$1,000 for a second offense, a class D felony and a fine of up to \$1,500 for a third offense, and a class D felony and a fine of up to \$5,000 as well as the revocation of all business licenses held with the state for any subsequent offense. He or she will also be responsible for any consequential damages related to obtaining the scrap metal.